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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,696

10/23/2003

Clifton W. Wood JR.

MI40-364

3582

21567 7590 03/19/2007
WELLS ST. JOHN P.S.
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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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2 MONTHS

03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/693,696

Applicant(s)

WOOD ET AL.

Examiner

Brian D. Nguyen

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2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 82-120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-15, 24-37, 82-91 and 107-120 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-6, 16-23 and 92-106 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/26/06, 9/13/06, 10/16/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Reissue Applications***

1. The consent/3.73(b) is defective. The party signing the consent and/or 3.73(b) doesn't have apparent authority to sign on behalf of assignee. Their title of "Chief Patent Counsel" is not recognized under MPEP 324 as someone having the apparent authority. In addition, the statement "Signature of person signing for assignee" is not the same as the statement "The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee." See PTO/SB/96. I know that the consent form PTO/SB/53 has the language that applicant used for consent, but this is assuming that a proper 3.73(b) is filed. The petition filed 3/3/04 contains the statement, but we have a different person signing the petition from the person signing the consent and 3.73(b). Given the defect, both a consent and 3.73(b) will be required.
2. The original Declaration was unsigned. A petition was filed under 1.47 and granted for inventor refusing to sign. However, this does not excuse applicant from filing a supplemental declaration, stating that all errors up until the filing of the supplemental declaration, was without deceptive intent. A supplemental declaration is required.

Claim Objections

3. Claims 1, 16, and 92 are objected to because of the following informalities:

Claim 1, line 8, it is suggested to delete "[,]" because this error was corrected in the certificate of correction. "identification device" is a part of the original Patent.

Claim 16, line 29, it is suggested to replace "the unique identification number" with --an unique identification number--.

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Claim 92, line 2, it is suggested to delete "attaching".

Specification

4. The new abstract filed on 9/13/06 is not in compliance with 37 CFR 1.173. The deleted abstract needs to be depicted within brackets.
5. Amendment to the specification filed on 9/13/06 is not in compliance with 37 CFR 1.173. Cancelled matter needs to be bracketed.

Allowable Subject Matter

6. Claims 7-15, 24-37, 82-91, and 107-120 are allowed.
7. Claims 1-6, 16-23, and 92-106 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/13/07

BRIAN NGUYEN
PRIMARY EXAMINER